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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,880	06/16/2005	Remy Cricco	032326-304	8760
21839	7590	02/27/2006	EXAMINER	
BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			VU, MICHAEL T	
		ART UNIT		PAPER NUMBER
		2683		
DATE MAILED: 02/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/534,880	CRICCO ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Michael Vu	2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 5/12/05.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 May 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/12/2006</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The references listed in the Information Disclosure Statement filed on May 12, 2005 have been considered by the examiner (see attached PTO-1449 form or PTO/SB/08A and 08B forms)

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minear (US 2003/0032417) in view of Qu (US 2004/0076131).

Regarding **claim 1**, Ritter teaches a method for loading from a server an application including a first part intended for a terminal provided with an application management means and a second part intended for a chip card accepted in the terminal (Fig. 2, Download Server #16 [0023]), **but is silent on** comprising the following steps of: supplying to the terminal a loading means for loading the second application part in the chip card formatting in the server the second application part so that it is

compatible with a protocol for communication between the terminal and the chip card constructing in the server an application message containing the first application part and the second formatted application part transmitting the application message from the server to the terminal over a single transmission channel installing in the terminal the first application part extracted from the application message via the management means, and loading the second application part extracted from the application message from the terminal into the chip card according to the predetermined communication protocol under the control of the loading means. However, Qu teaches the techniques for performing data download to removable module or SIM card via the mobile telephone then extract the application data from the received mobile telephone to the removable module, and each application data to be assigned to and identified by a specific service category identifier (Fig. 2, Abstract, [0005, 0008, 0013, 0024]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Minear, such that constructing in the server an application message containing the first application part and the second formatted application part transmitting the application message from the server to the terminal over a single transmission channel installing in the terminal the first application part extracted from the application message via the management means, and loading the second application part extracted from the application message from the terminal into the chip card according to the predetermined communication protocol under the control of the loading means, to provide the efficiently download application data via SMS in the telecommunication systems.

Regarding **claim 2**, Minear/Qu teach a method according to claim 1, Qu further teaches wherein the constructed application message contains a descriptor of the application with at least one identifier of the second application part, and the management means analyzes the descriptor in the application message received by the terminal so that the second application part is extracted from the application message according to the identifier in the analyzed descriptor (Fig. 2 to Fig. 5, Tables 1-3 and 5-6 [0013, 0031, 0047, 0067-0068, 0057]) of Qu.

Regarding **claim 3**, Minear/Qu teach a method according to claim 1, Qu further teaches wherein the loading means is installed in advance in the form of a software module in the terminal (Fig. 2 to Fig. 5, [0006, 0008, 0013, 0031]) of Qu.

Regarding **claim 4**, Minear/Qu teach a method according to claim 1, Qu further teaches comprising the steps of introducing the loading means in the form of a script during the construction of the application message to be transmitted from the server to the terminal and installing the of the loading means by extraction of the script in the application message received by the terminal before the loading of the second application part (Fig. 2 to Fig. 5, Tables 1-3 and 5-6 [0013, 0031, 0047, 0067-0068, 0057]) of Qu.

Regarding **claim 5**, Minear/Qu teach a method according to claim 1, Qu further teaches comprising the steps of introducing of an address of a loading script during the construction of the application message to be transmitted from the server to the terminal, installing of the loading means by extraction of the script address in the application message received by the terminal, and a downloading of the script from the

extracted address in the terminal before loading the second application part (Fig. 2 to Fig. 5, Tables 1-3 and 5-6 [0013, 0031, 0047, 0067-0068, 0057]) of Qu.

Regarding **claim 6**, Minear/Qu teach a method according to claim 1, Minear further teaches comprising, after the step of loading the second application part, the step of deleting the second application part in the terminal (Title, Abstract [0023]) of Minear.

Regarding **claim 7**, Minear/Qu teach a method according to claim 1, Qu further teaches comprising, after the step of loading the second application part, the step of transmitting an acknowledgement message from the terminal to the server M as soon as the management means has finished loading of the second application in the chip card [0031] of Qu.

Regarding **claim 8**, Minear/Qu teach a method according to claim 1, Qu further teaches wherein the second application part is segmented into protocol units which are in accordance with the communication protocol and which are loaded successively in the chip card under the control of the loading means, and further including the step of transmitting from the chip card an acknowledgement response after the loading of each protocol unit [0031] of Qu.

Regarding **claim 9**, Minear/Qu teach a method according to claim 1, Qu further teaches wherein the first and second application parts are written in high-level languages and are converted into an intermediate language that can be interpreted respectively by virtual execution means respectively implemented in the terminal and the chip card [0080] of Qu.

Regarding **claim 10**, Minear/Qu teach a method according to claim 1, wherein the terminal is a mobile radiotelephone terminal [0008].

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Horel US 2004/0032936

Ritter US 6880761

Lim US 2003/0040811

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571) 272-8131. The examiner can normally be reached on 8:00am - 6:00pm.  
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Art Unit: 2683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael T. Vu



ELISEO RAMOS-FELICIANO  
PATENT EXAMINER